

FILED
CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

8:49 am, Sep 07, 2021

U.S. DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

LONG ISLAND OFFICE

UNITED STATES OF AMERICA,

* Case No. 13-CR-607 (JFB)

*

* Long Island Federal
* Courthouse

* 814 Federal Plaza

* Central Islip, NY 11222

*

v. PHILLIP A. KENNER,

* August 13, 2021

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Defendant.

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TRANSCRIPT OF CIVIL CAUSE FOR SENTENCING AND RESTITUTIONS
BEFORE VISITING JUDGE JOSEPH F. BIANCO

APPEARANCES:

For the Government:

MATTHEW HAGGANS, ESQ.
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For the Defendants:

MATTHEW W. BRISSENDEN, ESQ.
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Proceedings recorded by electronic sound recording, transcript
produced by transcription service.

1 (Proceedings commenced at 9:13 a.m.)

2 THE CLERK: Criminal cause for sentencing and
3 restitutions in 13-CR-607, The United States of America against
4 Phillip Kenner.

5 Counsel, please state your appearances for the
6 record, starting with the government.

7 MR. HAGGANS: Good morning, Your Honor. Matthew
8 Haggans for the United States.

9 THE COURT: Good morning, Mr. Haggans.

10 MR. KENNER: Good morning, Your Honor. It's Phil
11 Kenner here, and standby counsel, Matthew Brissenden, has
12 joined us.

13 THE COURT: Yes. Good morning, Mr. Kenner and Good
14 morning Mr. Brissenden.

15 MR. BRISSENDEN: Good morning, Your Honor.

16 THE COURT: The purpose of this conference when I
17 initially set it was I had realized after I imposed the
18 restitution that when I pronounced the restitution order and
19 listed all the amounts and the individuals, that although I had
20 ruled that Mr. Rizzi and Mr. Hughes should receive restitution
21 in the amounts of \$66,666.67, I had failed to put that ruling
22 when I -- in the order, oral order, when I went through all the
23 individuals. So that's why I set this up.

24 And then the government did submit a letter also
25 advising the Court that the math on the total amount was

1 incorrect for the reasons that Mr. Haggans explained in the
2 letter.

3 So the purpose is to simply correct what was a
4 clerical error and a mathematical error on my part, and a
5 mathematical error on the government's part as to the total
6 amount. You know, there's no substantive changes that the
7 court is making at this juncture.

8 I did receive, Mr. Kenner, your two submissions since
9 our last conference. I did want to speak to two things in your
10 submissions, including the one from yesterday. I don't want
11 you to think that the Court is blaming you for what happened
12 last week with respect to the mix up, with respect to the
13 conference and whether it was audio or video.

14 I read your recitation of the events and your
15 interactions with everyone at the MDC, and you know, I accept -
16 - I accept that. I don't want you to think that I was mad at
17 you or that somehow I'm blaming you for what happened there.
18 There clearly was a miscommunication in arranging it and I'm
19 not blaming that miscommunication on you in any way, and I'm
20 sorry that you got sort of the runaround last Friday.

21 But in any event, there was no harm. We're here
22 today. It's actually better because that was going to be on
23 audio and now we're on video. So I'm just going to confirm,
24 Mr. Kenner, that you're agreeable to proceed by way of video
25 today?

1 MR. KENNER: Yes, Your Honor. Thank you for checking
2 with me and for the dissertation about the -- my submission.

3 THE COURT: Yeah. And the other thing is -- you
4 mention this in both submissions, and I said at the time that
5 it wasn't a criticism.

6 I just want to emphasize to you, when I told you that
7 -- to try to focus as it related to potential down the line
8 making a motion for some type of offset. That's not a
9 criticism of your submission.

10 I believe I've complimented you many times on, you
11 know, the thoroughness of your submissions and the hard work
12 that you put in, into them. So I don't want you to -- that --
13 it was just simply my effort to remind you that at this point,
14 I've already sentenced you. The only thing on the table that
15 relates to you before your case goes up on appeal is
16 restitution.

17 And so, when you submit these things and got talking
18 about other things, those aren't before me now. You know, this
19 was the last piece before you can appeal your case, but I
20 didn't -- I don't want you to think that that was, you know,
21 unfair criticism in any way. I was just sort of reminding you
22 what stage we're at at this point in the case. Okay?

23 MR. KENNER: I appreciate -- I appreciate the clarity
24 on that (indiscernible), Your Honor.

25 THE COURT: All right. So let me just formally -- if

1 anyone -- the government wants to add anything before I
2 formally do what I intended to do, and then I'll see if there's
3 any outstanding issues, Mr. Haggans.

4 MR. HAGGANS: No, Your Honor. And just for the
5 record, the government is also amenable to proceed by video
6 conference today.

7 THE COURT: Yeah, I'm sorry. I should have asked you
8 too.

9 All right. So with respect to the -- my clerical
10 error -- and I also, I didn't want to -- Mr. Kenner, did
11 (indiscernible) submissions as you did when I made these
12 rulings with respect to Mr. Cribitello (ph) and Mr. Hughes and
13 Mr. Rizzi, you know, objected to that -- on a various grounds,
14 and I just wanted to -- I did go back again and look at the
15 records to make sure that I wasn't misremembering or
16 mischaracterizing what the evidence was. So I do want to just
17 explain that very briefly.

18 But let me just formally deal with the clerical error
19 and mathematical error.

20 So the Court, in its ruling, stated Mr. Hughes,
21 Theodore Hughes, and Robert Rizzi are entitled to 66 -- hold on
22 one second. \$66,666.67 in restitution.

23 Each -- the Court made that clear in its rulings. I
24 hereby modify my oral pronouncement of the restitution order to
25 conform with my rulings. I'm not going to repeat all the other

1 amounts. Obviously, all the other amounts and names remain the
2 same.

3 I do want to note, when I looked at the transcript,
4 it was indicating inaudible for John Kaiser, I believe. The
5 transcript said inaudible for the amount, but I just clarify
6 again that I stated at that time, and I state again, that the
7 amount for John Kaiser is \$1,080,000, which does include some
8 interest that had been agreed upon between him and Mr. Kenner,
9 which I found credible and I'll address interest overall in a
10 moment. So I just wanted to make that clear as well.

11 And the total amount is -- as indicated in the
12 government's letter, and I checked the math, \$16,223,121.82 is
13 the total amount of the restitution order. The court already
14 set the schedule of the restitution payments and that continues
15 to be the same.

16 So what I'm going to ask the government to do is to
17 just submit this chart as modified -- you know, this chart as a
18 separate document so that I can attach it. I'd rather not
19 attach a letter to the judgment. There better be just a chart.
20 But I did want to just -- these don't relate to the amounts,
21 but I just wanted -- I noticed it says Hawaii for Kaiser,
22 Hughes, and Rizzy.

23 Mr. Haggans.

24 MR. HAGGANS: Yes.

25 THE COURT: It says Eufora.

1 MR. HAGGANS: I'm sorry. I look -- if Your Honor
2 will just give me one moment?

3 THE COURT: You don't really have to put the schemes
4 in the restitution order, but this is the way the chart is so
5 it's fine, but I just want to make sure it's accurate.

6 (Pause)

12 MR. HAGGANS: Yes, Your Honor. I apologize.

13 THE COURT: All right. Those are the only --

14 MR. HAGGANS: And shall I correct those in the -- I
15 guess the Court would probably prefer a Word version or an
16 Excel version of this chart.

17 THE COURT: I don't think it matters, but it could be
18 a PDF, it could be anything, because I think we're just going
19 to attach it to the judgment as a rider, so I'm just going to
20 print it out and attach it. But if you could make those
21 changes and then submit it just as a chart. Okay?

22 MR. HAGGANS: I will -- I will do so, Your Honor.

23 THE COURT: On ECF, obviously. I will also note, Mr.
24 Brissenden, if you could file Mr. Kenner's submission from
25 yesterday. I understand why you emailed it because of the time

1 constraints, but if you could file that on ECF on his behalf?

2 And Mr. Kenner requested that certain -- a certain
3 portion of it be put under seal, and I'm going to grant that.
4 Just let me explain why. It relates to allegations that he's
5 making with respect to conduct in Mexico and other places that
6 he doesn't want to be public, and it doesn't effect -- again,
7 it's not material to what the Court is considering now and I
8 want to honor his concern, so I'm going to let that part be
9 under seal.

10 But as I warned you -- not warned you. Mr. Kenner,
11 as I noted previously, to the extent something goes under seal
12 and the government doesn't see it, the government has to be
13 able to respond to anything that the Court is going to
14 consider. But because, again, I don't think it's relevant to
15 what the Court is doing now, I'm going to just put it under
16 seal because I don't want you to worry about it. Okay?

17 MR. BRISSENDEN: Your Honor, to be clear, I did file
18 the entire submission under seal as opposed to trying to just
19 file the one exhibit under seal, so it has been filed under
20 seal, and I also emailed a full copy of it to the government.

21 If the Court would like me to refile it with only a
22 certain portion under seal, I can certainly do that. Just for
23 the sake of simplicity, I filed the entire document and all of
24 it --

25 THE COURT: Oh, okay.

1 MR. BRISSENDEN: -- under seal.

2 THE COURT: Oh, that's fine. Yeah, I would like you
3 to file the portion that Mr. Kenner wanted to be public,
4 publically, and just the remainder under seal. And I'm glad
5 that the whole thing went over to the government. That's
6 helpful.

7 All right. I didn't realize that. I thought it was
8 ex-parte and under seal, but it's helpful the government saw it
9 at least. Okay?

10 Okay? Mr. Kenner, is that okay with you?

11 MR. KENNER: Yes, and there were -- and I think Mr.
12 Brissenden knew there were two exhibits.

13 THE COURT: Right. Two text messages, right?

14 MR. KENNER: Yes. One was, I believe, in bubble
15 format --

16 THE COURT: Right.

17 MR. KENNER: -- and one was a reprint of a forward --

18 THE COURT: Right. I saw that. I think they were
19 partially redacted, though, just -- right? Or the whole -- it
20 was the whole thing or -- you want the whole thing under seal?

21 MR. KENNER: Those two exhibits under seal, and then
22 just the highlighted portion at the very end --

23 THE COURT: Right.

24 MR. KENNER: -- Your Honor.

25 THE COURT: Okay. That's fine.

1 MR. BRISSENDEN: I can do that.

2 THE COURT: All right. And then, I do want to make
3 clear -- I don't know if I made it clear two weeks ago, but I'm
4 not imposing any interest with respect to the restitution
5 order, other than the interest that's already included in the
6 restitution amount that's by agreement -- because that's
7 discretionary on the Court's part, and given obviously the
8 large amount of the restitution order, forfeiture order and Mr.
9 Kenner's current financial circumstances, I don't think
10 interest on top of that is warranted.

11 I would also note, to the extent that the Court --
12 the amount -- some of the amounts have -- the court -- for
13 restitution purposes weren't part of the sentencing loss
14 calculation, I just want to make clear that my view is -- first
15 of all, none of this would have affected the sentence in any
16 way, in any manner, but to the extent that the Court realizes
17 that there should be restitution to certain victims, I don't
18 think the law precludes a court from, you know, recognizing
19 those restitution amounts, even though they were not part of
20 the guidelines loss calculation. I just wanted to make that
21 clear. All right?

22 I'd also -- some of these things were not brought to
23 my attention during Mr. Constantine's sentencing, but -- to the
24 extent they related to him. But again, I don't think that
25 precludes the Court from doing what I think is warranted based

1 upon credible evidence by a preponderance standard in the
2 record at this juncture.

3 The two issues that I want to just cite to the record
4 on that Mr. Kenner (indiscernible) but I just wanted to --
5 these are ones I went back and double checked. His position
6 was that Mr. Kaiser never testified as to some separate
7 investment that he made in Eufora beyond the money that was
8 invested on behalf of the Kaiser, Hughes, and Rizzy.

9 So I went back to the trial testimony, again which
10 I'm crediting over Mr. Kenner's objection, but the -- on page
11 1050, it's abundantly clear he's talking about two different
12 investments. And on pages 1015 and 1016 of the transcript of
13 the -- he's talking about how at the end of 2007, he was asked
14 how much he invested in Eufora. He said, I believe a couple
15 hundred thousand dollars. He later said 275, but for the
16 benefit of the doubt I guess is the 200,000 as opposed to 275.

17 But he was asked where did that come from, and he
18 said it was money from a bill that he -- that he had recently
19 done for Mr. Kenner that was owed to him from Hermosa Beach.

20 On transcript page 1058 to 1060, actually that was
21 again discussed and the -- during Mr. Laruso's cross, pages
22 1238 to 1239, he again said it was money that Mr. Kenner owed
23 him. It was not wired, unlike the later money. And page 1240
24 again, he made clear that this was different from the -- in
25 2009, that the money that Mr. Hughes, Mr. Rizzy, and Mr. Kaiser

1 invested through Mr. Kaiser, was in a different time frame, in
2 a different way. So I do believe that that is supported by the
3 credible evidence in the record. And understanding, obviously
4 Mr. Kenner disagrees.

19 And that is similar to Mr. Privatello. Mr.
20 Privatello did say -- and this is at pages 1429 through 1432 --
21 that Mr. Kenner told him about Eufora and the patents, told him
22 about Constantine. And then I think this was (indiscernible)
23 at page 12 -- 1488. He said what Mr. Kenner told him was
24 validation that it was a good company, that the patent
25 (indiscernible).

1 So again, even though he was acquitted, with respect
2 to the particular transactions, I believe Mr. Kenner was in the
3 conspiracy with Mr. Constantine long before that. As I noted
4 last week, or two weeks ago, Mr. Garn (ph) -- his conduct with
5 respect to Mr. Garn and diverting money for his own purposes
6 from Eufora for long before that.

7 So he knew when he was steering people to Mr.
8 Constantine that there was fraud going on with respect to
9 Eufora. So therefore, I believe, like Mr. Constantine, he's
10 responsible for restitution to Mr. Privatello jointly and
11 separately.

12 So again -- and again, Mr. Kenner obviously disputes
13 that and that is preserved for purposes of appeal.

14 Excuse me one second. I just have my list here. I
15 don't think I have anything else that I didn't cover. I'll
16 again just advise you this -- I do want to address the
17 compassionate release in a moment once I finish with the
18 sentencing, but again, Mr. Kenner, just in an abundance of
19 caution, I'm going to advise you of your right to appeal again.

20 You have a statutory right to appeal your conviction
21 and sentence. If you're not able to pay the cost of appeal,
22 you can apply for leave to appeal in forma pauperis. If you
23 cannot afford an attorney and you want an attorney, one will be
24 appointed to represent you and the notice of appeal must be
25 filed within 14 days of the judgment or conviction. It might

1 take a couple weeks for me to do the judgment, to file it, but
2 you have 14 days from the filing of that judgment.

3 And Mr. Brissenden might want to complement in his
4 assistance to you as you requested it -- will assist you in
5 that regard because that's obviously difficult to do when
6 you're incarcerated.

7 All right. Before I -- before I get to the
8 compassionate release, is there anything the government -- is
9 there anything else I need to add from the government's
10 standpoint?

11 MR. HAGGANS: Nothing to add, Your Honor. Just two
12 items I would like to clarify on the record with the Court's
13 permission.

14 The first, with the Court's ruling on interest, I
15 just want -- I want to make -- my understanding, the Court is
16 not imposing pre-judgment interest except to the extent as one
17 of the award amounts already recited and the Court is not
18 imposing any post-judgment interest.

19 THE COURT: Yes. Yes.

20 MR. HAGGANS: Okay.

21 THE COURT: And also I should note, in not doing
22 that, the -- you know, obviously this -- another reason this
23 proceeding has gone on for so long and it's just an
24 extraordinary matter of interest then I don't want, you know,
25 Mr. Kenner to have to bear that just because the proceeding

1 ended up taking so long for various reasons that were out of
2 his control. All right?

3 MR. HAGGANS: Understood. Understood, Your Honor.

4 The only other matter --

5 THE COURT: But that (indiscernible) recharacterize
6 my ruling, is the bottom line.

7 MR. HAGGANS: Okay. The only other matter I just
8 wanted to note, the government did receive that submission that
9 was discussed earlier with -- thanks to Mr. Brissenden, which
10 it appears Mr. Kenner prepared on his computer, and the
11 government did have an opportunity to review that. I had it at
12 today's proceeding.

13 THE COURT: Great.

14 MR. HAGGANS: Thank you.

15 THE COURT: And also, Mr. Kenner, you did get the
16 government's letter, right, of August 4th, obviously?

17 MR. KENNER: Yes.

18 THE COURT: With the chart?

19 MR. KENNER: Yes.

20 THE COURT: I know -- I know you didn't have it last
21 week, but that was another good reason why I think we were --
22 we put it off.

23 That was you, Mr. Brissenden, huh?

24 MR. BRISSENDEN: It was me. I'm sorry.

25 (Indiscernible) my phone.

1 THE COURT: That's fine. I just saw Mr. Haggans --
2 your phone almost came out of the -- his hand, but that's okay.
3 These things happen.

4 All right. Mr. Kenner, is there anything else before
5 I address the compassionate release briefly that you want to
6 address with the Court?

7 MR. KENNER: No, thank you, Your Honor.

8 THE COURT: All right. And on the compassionate
9 release, I'm going to just briefly orally rule on it because
10 I'm not sure -- as I think I indicated, it's not sure to --
11 clear me jurisdictionally as to notice of appeal were filed and
12 I hadn't ruled on it, you know, what -- what parameters I would
13 have for making such rulings.

14 I think that the best thing to do is to orally rule
15 on it briefly here, and I'll issue a written order
16 memorializing it. But I'm denying the motion for compassionate
17 release. My brief reasons are as follows.

18 First, I don't believe that Mr. Kenner has
19 demonstrated extraordinary circumstances warranting his release
20 under the compassionate release statute. He essentially, if I
21 were to broadly categorize them, puts them into two categories.

22 One is the conditions and treatment at the MDC, which
23 he categorizes in his motion and in numerous submissions to the
24 Court prior to that, including his solitary confinement for a
25 period of time.

1 The other reason relates to his views regarding the
2 trial and the evidence and problems with the government's
3 evidence and exculpatory material with respect to the
4 government's evidence.

5 Dealing with the first category, and again, I've been
6 in -- finding that these are not extraordinary circumstances
7 warranting his release, I understand the conditions that have
8 plagued the MDC over time, including electricity outage, but I
9 do not believe that they rise to the level of extraordinary and
10 compelling circumstances warranting Mr. Kenner's release.

11 Nor do the COVID issues as they currently stand,
12 warrant such a finding by the Court. Similarly, the -- to the
13 extent Mr. Kenner is arguing for his compassionate release
14 based upon the sufficiency of the government's evidence and/or
15 alleged reporting violations or new evidence, again, I deny his
16 motion for a new trial.

17 I don't believe that anything he has submitted has
18 altered -- I know that it has not altered the Court's
19 conclusions with regard to his, you know, his motion for a new
20 trial that was filed several years ago.

21 You know, the government argues that that's not
22 really even a grounds for compassionate release, but even --
23 I'll assume arguendo that it could be a grounds for
24 compassionate release, and I don't believe it provides a basis.
25 I don't believe it's meritorious.

1 The Court, in any event, as the government pointed
2 out in its opposition, even if there were extraordinary
3 circumstances of some type, I don't believe the other 3553A
4 factors would warrant Mr. Kenner's release. I only sentenced
5 him six months ago.

6 I balanced all the factors in great detail, and a
7 release now would not adequately address the various factors
8 that the Court pointed to in imposing the sentence and the
9 length of the sentence, including the harm done, the nature of
10 the crime, the need for a deterrent. I won't repeat all of
11 them, but those factors all remain six months later, and he
12 obviously has substantial amount of time left to serve on the
13 sentence.

14 So even if there were extraordinary circumstances, I
15 don't believe release would be warranted because of the other
16 sentencing factors that the Court alluded to or described,
17 which all continue to apply today.

18 So that's the reasons for the Court's denial. With
19 respect to the conditions in the MDC, my hope, Mr. Kenner,
20 obviously is that once the judgment is in, you'll be designated
21 to another facility where hopefully you won't have some of the
22 problems that you've been having over the many years at the
23 MDC. But actually, I don't -- I have a copy of the transcript,
24 but I didn't go back and check. Did -- was there a
25 recommendation or a request as to designation?

1 I don't know. Mr. Kenner, did you make a request?

2 MR. KENNER: I did not, Your Honor.

3 THE COURT: Do you want to do that? I'm happy to put
4 in a recommendation for either a geographical area of the
5 country or a particular facility. They're not necessarily
6 going to honor it, but I guess it can't hurt.

7 MR. KENNER: Your Honor, if I do, I'll write to you.
8 I'll send a letter.

9 THE COURT: All right. Yeah, you can put that in a
10 letter. As I said, I think the judgment -- I usually would put
11 it in the judgment, so I think the judgment's probably going to
12 take at least two weeks to -- so you have about two weeks to --
13 you can talk to Mr. Brissenden. Based upon his representation
14 of other clients, he may have some thoughts, you know, about
15 where you might want to request consistent -- you know, some
16 (indiscernible) want to be in a certain location for family
17 visits.

18 So you can consider those things, and if you want me
19 to make a recommendation, I'm willing to do that. My view is,
20 obviously, my view is defendants have to serve the time, but it
21 doesn't really matter to me where they serve it, although it's
22 up to the Bureau of Prisons ultimately, consistent with their
23 security classifications and other issues, to do what they're
24 going to do. All right?

25 MR. BRISSENDEN: Thank you for that, Your Honor. If

1 I could just ask, perhaps just to make two points on the
2 compassionate release ruling --

3 THE COURT: Sure.

4 MR. BRISSENDEN: -- just so it's on the record?

5 THE COURT: Yes.

6 MR. BRISSENDEN: A portion of the submission, the
7 original submission, I think it was ECF 1006, was really asking
8 for some consideration post October 5 sentencing date for the
9 141 days of solitary -- straight solitary confinement because I
10 thought that it would be unusual that the Court would have
11 expected such an extended period of time under those draconian
12 circumstances.

13 That's what I was looking primarily for, and I think
14 I addressed that early on in the motion, as opposed to a full
15 compassionate release.

16 And I think I even suggest that I wasn't necessarily
17 seeking a full compassionate release to the street like many
18 have receive -- over 2,000 have received in the system so far.
19 But really, just consideration for the first 141 days of being
20 in solitary confinement is not foreseeable by the Court when
21 you grant -- when you levied the first sentence.

22 And then second, just a technical matter. Just
23 wanted to make sure that it was on the record that that first
24 sentencing was actually 10 months ago, not six months ago. The
25 October date. So, I know time seems to just flip away, but --

1 THE COURT: Yeah.

2 MR. BRISSENDEN: -- and I'm sure it was just an
3 inadvertent statement. I just wanted to put it on the record,
4 it was actually 10 months ago that --

5 THE COURT: All right.

6 MR. BRISSENDEN: -- that (indiscernible).

7 THE COURT: Yeah, thank you for clarifying that. And
8 on the first point, I would just say, just so you don't -- you
9 know, obviously I'm not projecting exactly what's going to
10 happen to a defendant at the time of sentencing in terms of
11 whether they're going to be in solitary confinement or not, but
12 I can tell you that even if I knew that at the time of the
13 sentencing, I would not have lowered your sentence any further
14 because I did -- as the government noted and you know, I did
15 include that in my decision in terms of what the amount should
16 be, and, you know, essentially lowered the sentence because of
17 what you have faced in the MDC and I don't -- I wouldn't have
18 lowered it further based upon -- and again, I'm not belittling
19 or discounting what solitary confinement is like, but that
20 reduction was not intended to be like a one-for-one, you know,
21 every day, working out what the conditions might be, an overall
22 reduction just based upon conditions generally, and I don't --
23 again, it has to be balanced against the other factors, so I
24 don't want you to think I would have reduced it further if I
25 had known that. All right?

1 MR. BRISSENDEN: All right.

2 THE COURT: I understand your point. All right.

3 Anything else, Mr. Kenner?

4 MR. KENNER: No, Your Honor.

5 THE COURT: All right.

6 MR. KENNER: Other than I'd just like to thank the
7 Court for, again, having a video conference and making it
8 possible so we could continue to push this to the conclusion.

9 THE COURT: Sure. And I'm glad it was video. As
10 I've told you, I prefer -- well, I prefer in-person, but I
11 understand why you don't want that. I'm fine with that. Video
12 is much better than audio. So it was good to complete the case
13 in this manner.

14 All right. Thank you very much, everybody. Have a
15 good day.

16 MR. HAGGANS: Thank you.

17 (Proceedings concluded at 9:42 a.m.)

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24 I, CHRISTINE FIORE, court-approved transcriber and
25 certified electronic reporter and transcriber, certify that the

1 foregoing is a correct transcript from the official electronic
2 sound recording of the proceedings in the above-entitled
3 matter.

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September

6, *Christine Fiore* 2021

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Christine Fiore

Transcriber